

State of California



Fair Political Practices Commission

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July 18, 1985

Alice Reimche, City Clerk
City Hall
221 W. Pine Street
Lodi, CA 95240

Re: Assessing Late Fines for
Campaign Disclosure Statements
(Gov. Code Section 91013)
FPPC Advice No. A-85-157

Dear Alice:

You have asked for an interpretation of Gov. Code Section 91013 which provides for the amount of fines to be imposed for the late filing of reports and statements. Specifically, you asked for an explanation of the amount of fine a filing officer may assess for campaign disclosure statements which are filed late.

Gov. Code Section 91013(a) provides that late filings are subject to a fine of \$10 per day for each day the statement is late. Section 91013(c) provides that the amount of fine which may be assessed may not exceed either the cumulative amount stated in the late report or statement, 1/ or \$100, whichever is greater.

The following examples illustrate the application of Section 91013 under various circumstances. In each example, a campaign disclosure statement which was required to be filed no later than July 31, was filed on August 15 -- 15 days late. At \$10 per day, the fine would accrue to \$150. However, as the examples show, the full fine may be assessed only if the cumulative amount of contributions received or expenditures made during the period covered by the statement equal or exceed the full amount of the fine.

Example 1: The statement is 15 days late, and the cumulative amount of contributions received during the period covered by the statement is \$80, and the cumulative amount of expenditures made during the period covered by the statement is \$80.

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For the purpose of calculating a late fine under Gov. Code Section 91013, the "cumulative amount" is either the cumulative amount of contributions received during the period covered by the statement, or the cumulative amount of expenditures made during the period covered by the statement.

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In this case, since neither the cumulative amount of contributions nor the cumulative amount of expenditures is more than \$100, the fine may not exceed \$100.

Example 2: The statement is 15 days late, and the cumulative amount of contributions received during the period covered by the statement is \$80, and the cumulative amount of expenditures is \$125.


In this case, since the cumulative amount of expenditures is \$125, a fine of \$125 may be assessed.

Example 3: The statement is 15 days late, and the cumulative amount of contributions received is \$200, and the cumulative amount of expenditures is \$80.

In this case, the full fine of \$150 may be assessed, since the cumulative amount of expenditures exceeds \$150.

I hope this helps clarify the assessment of fines under Section 91013. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Political Reform Consultant